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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**

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7 BRETT NYE, individually and on behalf of all
8 other similarly situated,

9 Plaintiff(s),

10 v.

11 BURBERRY LIMITED

12 Defendant(s).

Case No. 2:16-cv-00702-RFB-DJA

ORDER

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14 Before the Court is Defendant's Motion to Preclude Disclosure [ECF No. 63]. Defendant
15 argues that the Court should not prevent discovery of putative plaintiffs who may be subject to an
16 arbitration agreement which would prevent their participation in any collective action in this case.
17 Defendant also argues that such information is confidential and its production would raise privacy
18 issues. Plaintiff argues that the Court has yet to determine the effect or not of the alleged arbitration
19 agreement on these putative class members. Plaintiff further argues that information regarding
20 these so-called arbitration plaintiffs would nonetheless be relevant to Plaintiff's theory of liability
21 as to the scheme employed by the Defendant regarding alleged violations of federal law.

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23 The Court finds that discovery shall proceed and apply to all 46 individuals. The Court
24 finds that their employment records are relevant and necessary to Plaintiff's case. The Court does
25 not find that such production would be overly burdensome in this case. The Court further notes
26 that it has not ruled about the effect of the alleged arbitration clause in this case and whether or not
27 it would preclude participation in a collective action in this case. Finally, the Court notes that issues
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1 of privacy can be addressed by a protective order that prevents Plaintiff from publicly disclosing
2 the confidential information shared in discovery regarding these 46 individuals.

3 Accordingly,
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5 **IT IS THEREFORE ORDERED** that Defendants' Motion to Preclude Disclosure is
6 [ECF No. 63] is DENIED. The parties are ordered to submit a revised scheduling order within 14
7 days of this order.

8 **IT IS FURTHER ORDERED** that Plaintiff shall not publicly disclose any of the
9 confidential information produced by Defendant in this case regarding the aforementioned 46
10 individuals.

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12 DATED: September 26, 2019.



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE